

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

MDL No. 2804

Case No. 17-md-2804

THIS DOCUMENT RELATES TO:
“All West Virginia Cases”

Hon. Dan Aaron Polster

**UNOPPOSED MOTION TO EXTEND DEADLINE FOR FILING SUPPLEMENTAL
PLAINTIFF FACT SHEETS BY WV MDL GOVERNMENTAL SUBDIVISIONS**

Moving Plaintiffs, West Virginia subdivisions with cases pending in this MDL (“WV MDL Subdivisions”), hereby move this Court for an Order extending the service deadline for Supplemental Plaintiff Fact Sheets, hereinafter “PFS,” which Motion is not opposed.¹ WV MDL Subdivisions offer the following:

PROCEDURAL HISTORY

On July 23, 2021, this Court issued Case Management Order Applicable to Cases of “Non-Participating Subdivisions” Asserting Claims Against Settling Defendants (DOC #3795, Page ID #514775) and set forth the following deadlines for service of Supplemental Plaintiff Fact Sheets.

¹ Moving Plaintiffs include all WV MDL cases, namely: Boone County, Town of Whitesville, Cabell County, City of Huntington, City of Milton, Fayette County, City of Montgomery, Town of Gauley Bridge, City of Smithers, Greenbrier County, Town of Quinwood, Town of Rainelle, Town of Rupert, Kanawha County, City of Charleston, Town of Clendenin, City of Dunbar, City of St. Albans, WV, Logan County, Town of Chapmanville, Wayne County, Town of Fort Gay, City of Kenova, Braxton County, Town of Sutton, Calhoun County, Gilmer County, Town of Glenville, Nicholas County, City of Summersville, Clay County, Lincoln County, Town of Hamlin, Town of West Hamlin, McDowell County, City of Welch, Mercer County, City of Bluefield, City of Princeton, Mingo County, Town of Gilbert, Town of Kermit, City of Williamson, Berkeley County, Jefferson County, City of Charles Town, Morgan County, Pocahontas County, Wyoming County, Putnam County, Town of Eleanor, City of Winfield, City of Hurricane, Raleigh County, Town of Sophia, Summers County, Orphans to State Court City of Buckhannon, City of Vienna, Town of Granville, and City of Parkersburg.

- Nonparticipating subdivisions were originally required to serve Amended PFSs with supporting documentation on or before April 1, 2022, (60 calendar days from the CMO Effective Date).
- Nonparticipating subdivisions were required to serve summary expert reports involving damage and liability issues on or before May 1, 2022 (90 calendar days from the CMO effective date).
- Nonparticipating subdivision representatives were required to serve verifying Affidavits on or before June 1, 2022 (120 calendar days from the CMO effective date).

On February 25, 2022, this Court amended its previous Case Management Order by entering “Order Clarifying the CMO Effective Date” for Cases of Non-Participating Subdivisions (DOC #4287, Page ID#571978) which extended the deadlines for the service of amended PFSs to April 26, 2022; the service of the summary expert reports on or before May 26, 2022, and the service of verifying Affidavits by subdivisions on or before June 27, 2022.

UNOPPOSED REQUEST FOR EXTENSION OF DEADLINES

As this Court is aware, the WV MDL Subdivisions were not included in the National Big3 Distributor Settlement and the West Virginia Attorney General is not participating in the National Johnson & Johnson Settlement.

As this Court may be aware, the West Virginia Attorney General’s trial against defendant Johnson & Johnson is now set to begin Monday, April 4, 2022.

An intra-state West Virginia Memorandum of Understanding hereinafter “MOU” has been agreed to by the West Virginia Attorney General and the West Virginia subdivisions with opioid cases pending in the MDL and in West Virginia state court. Under the MOU, any settlement or judgment will be distributed among the State and the subdivisions.

Attorneys for the WV MDL Subdivisions are assisting the West Virginia Attorney General in preparation for this trial against Johnson & Johnson. With the above-referenced trial date looming, the parties’ resources would not be best served by supplementing PFSs, and your

movants respectfully request a 60-day extension for service of Supplemental PFSs, Summary Expert Reports, and verified Affidavits, following final judgment in the trial.

If settlement is reached prior to verdict between the West Virginia Attorney General and the defendant, Johnson & Johnson, the WV MDL Subdivisions are expected to participate as set forth in the MOU, thereby obviating the need to comply with the CMO.

Counsel for Defendant Johnson & Johnson have authorized Plaintiffs to represent to the Court that Defendant does not object to the relief requested in this motion.

THEREFORE, the WV MDL Subdivisions respectfully request a 60-day extension of the deadline from the date any final judgment entered in the Johnson & Johnson trial for all of the reasons set forth above.

Dated this 1st day of April 2022.

Respectfully submitted,

**WEST VIRGINIA
MDL GOVERNMENTAL SUBDIVISIONS**

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CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

s/ Paul T. Farrell, Jr.
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